

STANDARDS FOR POLYGRAPH EXAMINATIONS

STANDARDS OF PRACTICE FOR SEX OFFENDER CLINICAL POLYGRAPH EXAMINERS

Clinical Polygraph Examinations (CPE) means the employment of any instrumentation complying with the required minimum standards of the Oklahoma Polygraph Examiner's Act and used for the purpose of detecting deception or verifying truth of statements of any person under supervision and/or treatment for the commission of sex offenses. The clinical polygraph examination is specifically intended to assist in the treatment and supervision of sex offenders.

Examiners shall use a computerized polygraph system or a late model (1980's to present) state-of-the-art, four or five channel polygraph instrument that will simultaneously record the physiological phenomena of respiration, galvanic skin response, and the cardiovascular system.

If the examiner employs a computerized polygraph system, a recognized scoring software may be used, e.g., the Johns Hopkins Applied Physics Laboratory scoring algorithm.

The duration of each examination (including the pre-test, in-test, and post-test phases) shall be a minimum of 90 minutes. Time begins when the examinee enters the examination room with the examiner and ends when the examinee departs after the conclusion of the polygraph examination.

Examiners shall use a recognized Control Question Technique (CQT or ZCT), plus a Peak of Tension test when necessary.

Examiners shall adhere to the established ethics, standards and practices of the American Polygraph Association.

Examiners shall use the following specific procedures during administration of each examination:

- a. The examinee shall sign a standard waiver/release statement. The language of the statement should be agreed upon prior to the polygraph examination with the therapist, probation/parole officer, community corrections case manager, or prison treatment provider.
- b. The examiner shall elicit relevant biographical and medical history information from the examinee prior to administering the actual polygraph examination.
- c. The testing process shall be completely explained to the examinee, including an explanation of the instrumentation used and effects of general nervous tension.

- d. Examiners shall conduct a thorough pre-test phase, including a detailed discussion of each relevant issue. There shall be open dialogue with the examinee to confirm his/her version of the issues.
- e. Examiners shall review and explain all test questions to the examinee. Examiners must verify that examinees comprehend the meaning of each question.
- f. Surprise or trick questions are forbidden during the administration of any test charts.
- g. All test questions must be formulated to allow only "yes" or "no" answers.
- h. An optional acquaintance/practice test may be run.
- i. A minimum of three primary test charts shall be administered on the primary issue(s).
- j. Test results shall be reviewed with the examinee.
- k. For a polygraph examination to be appropriately evaluated as "NDI", the polygraph subject must have exhibited appropriate reaction criterion to the control (comparison) question(s). Therefore, during post-test procedure, the polygraph examiner should advise the examinee that there were reactions to the control (comparison) questions.

An examiner may not submit a professional opinion that the examinee was truthful (non-deceptive) to the entire examination or to any single relevant question asked during the examination, if the examinee's answer to any relevant question in the test question sequence is determined to be deceptive. In keeping with professional reporting standards, for an examinee to be reported truthful (non-deceptive) by the examiner, a plus (+) score in each spot must occur.

- l. Videotaping of polygraph examination is required. Videotapes of the entire examination shall be maintained for a minimum of one year from the date of the examination.
- m. Examiners shall use an effective quality control process that allows for periodic independent review of all documentation, polygraph charts and reports.
- n. Examiners shall issue a written report. The report must include factual, impartial, and objective accounts of the pertinent information developed during the examination, including statements made by the subject which are not misleading, biased, or falsified in any way. The examiner's professional conclusion shall be based on the analysis of the polygraph chart readings and the information obtained during the examination process.
- o. The examiner is to receive the relevant case facts within a time frame sufficient to prepare for the examination.
- p. The following are definitions for clinical polygraph examination types:

Instant Offense: this specific issue examination is utilized to determine if the examinee appears deceptive or non-deceptive in denial of guilt to the offense for which the examinee has been convicted or is under court supervision.

Full Disclosure (Specific Victim/Survivor): covers detailed information about types and frequency of sexual offenses against a victim/survivor that may have not been disclosed by the victim/survivor. An offender may acknowledge inappropriate touching on top of the clothing when in fact the victim/survivor was raped or sodomized, or may acknowledge the offense occurred once when in fact it continued for years.

Sexual History: this examination is used to learn about prior deviant sexual behaviors. Its purpose is to support the therapeutic process; not as a means for additional criminal charges. The examinee will be informed/reminded, prior to the examination, that any information they provide regarding previously undisclosed deviant sexual acts, wherein the victim is a minor and can be identified, such disclosures will be reported to the appropriate authorities.

Maintenance: this examination is used to learn if an examinee has committed any deviant sexual acts while in treatment. It also serves as a deterrent to new offenses while a probationer is on supervision.

Monitoring: this examination is used to monitor a subject's compliance with the rules of probation.

- q. To safeguard against examinee habituation and familiarization between the examiner and subject, it is recommended that the polygraph examiner not conduct more than three separate CPE's of the same type (i.e., maintenance tests) per year on any post-conviction sex offender. A re-examination over previously examined issues where no opinion was formed would not be considered a separate session, but may be defined as a "re-test." For example, more than three separate maintenance examinations per year on the same offender would not be conducted by the same examiner. More than three CPE's of the offender by the same examiner would be considered allowable if they dealt with separate issues; (i.e., one disclosure test over the instant offense; one sexual history disclosure test, and two maintenance examinations).
- r. In order to allow sufficient time for the pre-test, in-test, and post-test procedures, it is recommended that a clinical polygraph examination take a minimum of 90 minutes. In most cases, it should be anticipated that the examination session will take considerably longer.

Polygraph Examiner Qualifications

1. Polygraph examiners must hold a current original Oklahoma Polygraph Examiners License in accordance with the Oklahoma Polygraph Examiners Act.

Polygraph examiners shall successfully complete a minimum of 40 hours of specialized sex offender polygraph examination training recognized as consistent with APA (American Polygraph Association) Guidelines. This qualification training shall focus on sex offender assessment, evaluation, and monitoring, in the following manner:

- A. Twenty-four hours of polygraph training to consist of:
 - 1. Pre-test interview procedures and formats.
 - 2. Validity and reliability of examination formats.
 - 3. Post-test interview procedures and formats.
 - 4. Reporting format (to whom, disclosure content, forms, etc.).
 - 5. Standardized polygraph procedures that are recognized by the APA.
 - 6. Administering examinations consistent with the APA guidelines.
 - 7. Professional standards and conduct (ethics).
 - 8. Expert witness qualifications and courtroom testimony.
 - 9. Use of polygraph results in the treatment, supervision, and case management processes.
 - 10. Others as recognized by the APA.
- B. Sixteen hours of specialized training associated with the:
 - 1. Behavior and motivation of sex offenders (12 hours).
 - 2. Trauma associated with victims/survivors of sexual assault (four hours).

Continuing Education

- 1. Continuing education credits shall be recognized only if the training is consistent with the APA guidelines; and, shall be relevant to sex offender assessment, evaluation, and monitoring to include victims and survivors.
- 2. All polygraph examiners shall, as a minimum, successfully complete 20 hours of specialized sex offender polygraph examination training recognized as consistent with APA guidelines every two years after attaining their initial 40 hours of qualification training. This continuing education training shall focus on sex offender assessment, evaluation, and monitoring in the following manner:
 - A. Twelve hours of polygraph training as described under Polygraph Examiner Qualifications (see Section 2A).
 - B. Eight hours of specialized training as described under Polygraph Examiner Qualifications (see Section 2B).

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